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SENSITIVE

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DEPT FOR CA/FPP; DHS FOR CIS/FDNS; POSTS FOR FRAUD PREVENTION
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SUBJECT: EL SALVADOR FRAUD SEMI-ANNUAL SUMMARY FY09

REF: (A)09 STATE 057623; (B) 08 STATE 074840; (C) 09 STATE 097431

(U) In response to reftel A, post is updating its Fraud Summary information for the six-month period from March 2009 to September 2009 of FY 2009.

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Country Conditions
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a. (U) In March 2009, Mauricio Funes, the presidential candidate of the left-wing FMLN party, won a closely contested election against his conservative ARENA party rival, Rodrigo Avila. Funes captured 51.3% of the vote to Avila's 48.7%. This marked the first peacetime democratic transition of power from ARENA, the ruling party since 1989, to the FMLN, the party formed by former insurgents. The election was peaceful and the results were swiftly accepted by both political parties as well as the general population. The Funes Administration has maintained the cooperative and friendly relationship the U.S. Government has enjoyed with the GOES. The political climate has calmed considerably since the tense run-up to the legislative, municipal and presidential elections earlier this year. Post-election intra-party squabbles on the left and the right have not significantly affected the country's political climate.

(U) The economic conditions in El Salvador continue to be a source of concern. Between June 2008 and June 2009 the monthly cost of the basic basket for a family of 3.81 members in urban areas decreased by 1.8% from \$171.05 to \$167.90. Between June 2008 and June 2009 the monthly cost of the basic basket for a family of 3.81 members in rural areas also decreased by 4.4% from \$108.82 to \$103.99. The minimum wage in urban areas covers the cost of the urban basic basket but the rural minimum wage does not cover the cost of the rural basket. The government raised the minimum wages twice last year. The worldwide economic downturn has affected the economy of El Salvador. Remittances from Salvadorans abroad declined by more than 10 percent in 2009 YTD.

(U) Post considers the level of fraud to be moderate. Fraud appears to be generally case-specific rather than systemic. While many cases may not be well planned or executed, some do have a degree of complexity and documentation that are quite sophisticated.

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NIV Fraud
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b. (U) Throughout the last six months, the Fraud Prevention Unit (FPU) received thirty-five new NIV-related fraud investigation requests, and processed thirty-three of the cases. Two cases are still pending. Fifteen of the processed cases indicated fraud.

Average processing time was 5.7 days. The majority of cases were from people applying for B1/B2 visas, and many involved applicants who failed to disclose a prior arrest, either in the US (generally connected to an immigration violation), or in El Salvador, for a variety of violations.

(U) During this past six-month period, FPU conducted two validation studies to compliment the six already completed. In these two studies, FPU selected a random sample of cases of nurses and other health service workers and general cases of B1/B2 visa applicants to get a better idea of the visa bearers' travel patterns. The studies confirmed that we are on track with our adjudication methodology with low rates of overstay and predictable travel patterns based on interview notes.

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IV Fraud
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c. (U) During the reporting period, FPU received one hundred sixty-eight immigrant visa investigation requests. FPU processed one hundred thirty-two of these cases, thirty-four indicated fraud, and ninety-eight had no fraud indicated. The remaining cases are pending. Average processing time for IV fraud cases was fourteen days. The majority of cases referred were IR-1/K-1 and required a dual interview with the petitioner and the beneficiary to determine the authenticity of the relationship, or IR-2 step-parent petitions where it was unclear that the biological parent and the petitioner had a genuine relationship (and therefore unclear that the beneficiary maintained a true step-parent/step-child relationship).

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DV Fraud
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d. (U) El Salvador is not a Diversity Visa Lottery Program country.

- - - - - ACS and U.S. Passport Fraud
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e. (U) FPU received twelve cases and processed ten fraud investigation requests for ACS cases in the last six months. Only one case indicated fraud. In the majority of the cases, FPU conducted field investigations to confirm the identity and citizenship claim of U.S. passport applicants who were born in the U.S. and came to El Salvador as infants.

- - - - - Adoption Fraud
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f. (U) FPU has not dealt with many cases of adoption fraud. There are about 250 open adoption cases at Post and we issued only 3 immigrant visas to orphans in the past six months. The nature of Salvadoran adoption law is complex and the time required for foreigners to adopt Salvadoran children is long. We have not seen any cases of this type of fraud in the past six months. Nevertheless, the Salvadoran Attorney General's Office informed the Embassy of the conviction of five individuals in connection with a trafficking/adoption fraud case. Two Salvadoran children were taken to Guatemala for fraudulent adoption as Guatemalan nationals.

- - - - - Use of DNA Testing
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g. (U) DNA testing was used in IV and ACS cases when the biological relationship is in question. This is usually indicated by late registration of a birth certificate, but other factors include the age of the mother at birth, or the lack of presence of the father at the time of conception.

(U) Post has changed its DNA testing procedures in response to 09

STATE 097431.

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Asylum and other DHS benefit fraud
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h. (U) DHS's USCIS and Immigration and Customs Enforcement (ICE) have offices in El Salvador. The Consular Section does not process Visa 92/93 cases.

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Alien Smuggling, Trafficking, Organized Crime, Terrorist Travel
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i. (U) Because of the historic migration patterns between El Salvador and the US, alien smuggling continues to be of concern to Post. In cases uncovered by FPU, the typical case involves family members smuggling children to parents who are residing illegally in the U.S. Occasionally, alien smuggling cases reported in the Salvadoran news media turn out to be actually cases of trafficking in persons.

(U) FPU San Salvador continues to see a small but steady stream of cases involving third country nationals transiting El Salvador from places as varied as Bangladesh and China (PRC). With the change of government, Salvadoran Migration officials continue to be helpful in sharing information about fraud cases with the Embassy.

(U) Post continues to find documented gang members ineligible under 3(A)2 with the Department's concurrence. The IV Unit has referred 35 suspected gang membership cases to FPU in the six months covered by this cable. Of those cases, 26 did not indicate gang membership, five were confirmed membership (of which three applicants were refused under 3(A)2, and two are pending review by the referring IV Officer). Four cases are still pending investigation. There are no Advisory Opinion requests for gang member ineligibilities currently pending with the Department.

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DS Criminal Fraud Investigations
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j. (U) Post's ARSO/I arrived in San Salvador in May 2009, and has an office in FPU. The ARSO/I has already become an invaluable resource within the Consular Section and, clear and productive division of labor has been established allowing great depth and variety in investigations conducted by FPU.

(U) A representative example of our cooperation is the possible passport fraud case described in section (e).

(U) FPU also works with other agencies as appropriate. An example of this cooperation is Post's Regional Department of Justice Attache's recent assistance in establishing an information sharing program between FPU and the Salvadoran Attorney General's Office.

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Host Country Passport, Identity Documents, and Civil Registry
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k. (U) El Salvador continues to use the D-series passport originally issued in 2007. It includes a number of significant design changes and security upgrades to interior pages. A sample was sent to CA/FPP.

(U) The national identity card (the DUI) is required by law to be issued to all citizens over 18, and is also required to be updated when significant life events occur that will effect information on the card (marriage, change of job, moving to a new address).

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Cooperation with Host Government Authorities
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l. (U) FPU continues to work closely with officials of the Government of El Salvador. However, since the change in government, the establishment of relationships with new host country official

contacts, and the redefinition of relationships with some career officials often delayed or frustrated previously simple procedures of communication and cooperation. FPU regularly answers requests from GOES agencies for information on whether Salvadorans hold U.S. visas, and will prudentially revoke the visa of anyone charged with a crime in El Salvador if the person is considered a flight risk. With the assistance of Post Management, FPU was able to renew, during this period, its internet subscription to allow access to GOES Migration Department migratory movement/passport data.

(U) FPU has just entered into a new information sharing agreement with the Salvadoran Attorney General's office. The purpose of the agreement is to allow FPU access to current lists of public officials under investigation for corruption or other criminal activity, and avert the use of U.S. documents for illicit activities or to escape Salvadoran law. The Agreement was entered into with the assistance of Post's regional Department of Justice Attache.

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Areas of Particular Concern
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m. (SBU) Post remains concerned about marriage-related fraud in IV, and will continue to look closely at cases with fraud indicators.

(SBU) The prevalence of gang violence and strong associations of these gang members with the US continues. FPU San Salvador is especially concerned about detection of IV applicants who may be gang members, as tattoos are the best method for detecting them. Gang members are more aware of how risky this behavior is and are starting to eschew tattoos or put them in places where they cannot be detected.

(SBU) El Salvador continues to be a transit point for drug trafficking to the US.

(SBU) Due to El Salvador's proximity to the US, the number of fake documents and individuals being smuggled to the US continues to be a problem.

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Staffing and Training
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n. (U) Post's FPU is staffed with two FPU Assistants, an FSN Fraud Supervisor, and a Fraud Prevention Manager. In addition, Post's ARSO/I position was recently filled and has become an excellent and vital FPU resource.

(U) During this period, FPU developed a public outreach initiative to compliment Post's ongoing H1 visa fraud media campaign, reduce fraud, and better inform and protect the Salvadoran public. This outreach initiative, as well as a review of the ongoing H1 visa fraud campaign conducted in local Salvadoran media, was the topic of San Salvador's FPM's presentation at the Regional FPM Conference in Miami.

(U) FPU has developed an SOP for referrals from NIV to help NIV officers more effectively refer cases, as well as to improve the tracking of cases for future use in validation studies.

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